

BAY AREA AIR POLLUTION CONTROL DISTRICT
939 Ellis Street
San Francisco, California 94109

November 16, 1977

TO: RUTH GUPTA, CHAIRPERSON, AND MEMBERS OF THE
AD HOC COMMITTEE ON EMISSION OFF-SETS

FROM: AIR POLLUTION CONTROL OFFICER

SUBJECT: EMISSION OFF-SET REGULATION

Attached please find a proposed amendment to Regulation 2 providing for emission off-sets. The proposed amendments follow the recommendations made by your Committee at its last meeting.

The staff will be pleased to discuss this with your Committee at its meeting on November 30th.

DJC:has

Attachment

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PROPOSED AMENDMENT TO REGULATION 2

~~§ 1309 Denial -- Interference with the Attainment or Maintenance of Air Quality Standards. The Air Pollution Control Officer, after considering all available information about existing air quality, information about the emission of air contaminants from existing source operations, information about the emission of air contaminants from the proposed new source operations, and information on the projected levels of air quality, shall deny an authority to construct, erect, alter, or replace any facility, building, article, machine, equipment or other contrivance, the use of which may cause the emission or creation of a significant quantity of any air contaminant which would interfere with the attainment or maintenance of any air quality standard adopted by the California Air Resources Board or the Environmental Protection Agency in any area of the District, in any air basin that is contiguous with the District, or in any air basin that is not contiguous with the District but that is found by the Air Pollution Control Officer to be a receptor air basin because of meteorological considerations.~~

~~Where any such authority has been granted after October 1, 1976 for one or more parts of a larger facility or project on the same or contiguous property, under the ownership or control of a person, the emissions from each of said parts shall be added to the emissions of any subsequent part or parts for which such authority is needed, for the purpose of determining whether a significant quantity of any air contaminant is emitted by such subsequent part or parts. (Amended September 15, 1976)~~



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PROPOSED AMENDMENT TO REGULATION 2

1309 Denial - Interference with the Attainment or Maintenance of Air Quality Standards.

- a) The APCO shall deny an Authority to Construct, erect, alter or replace any facility, building, article, machine, equipment or other contrivance if such source or alteration to an existing source will emit more than 15 pounds per hour or 150 pounds per day of nitrogen oxides, organic gases, particulate matter or sulfur dioxide, or any contaminant for which there is a state or national air quality standard (except carbon monoxide, for which the limits are 150 pounds per hour or 1500 pounds per day) unless the applicant shows that the source will be constructed using best available control technology.
- b) The APCO shall deny an Authority to Construct, erect, alter or replace any facility, building, article, machine, equipment or other contrivance if such source will emit more than 25 pounds per hour or 250 pounds per day of nitrogen oxides, organic gases, particulate matter or sulfur dioxide, or any contaminant for which there is a state or national air quality standard (except carbon monoxide, for which the limits are 250 pounds per hour or 2500 pounds per day) if the source is located in a non-attainment area for any such contaminants.

- c) The APCO shall deny an Authority to Construct, erect, alter or replace any facility, building, article, machine, equipment or other contrivance if such source will emit more than 25 pounds per hour or 250 pounds per day of nitrogen oxides, organic gases, particulate matter or sulfur dioxide, or any contaminant for which there is a state or national air quality standard (except carbon monoxide, for which the limits are 250 pounds per hour or 2500 pounds per day) if the source is located in an attainment area for such contaminants, unless he determines that the emissions from the source will not cause a violation of, or will not interfere with the attainment or maintenance of state or national air quality standards anywhere in the District or in any other air basin, for the contaminant or contaminants emitted by the source.
- d) Where any Authority to Construct has been granted after October 1, 1976, for one or more parts of a larger facility or project on the same or contiguous property, under the ownership or control of a person, the emissions from each of said parts shall be added to the emissions of any subsequent part or parts for which an Authority to Construct is needed, for the purpose of determining whether the limits prescribed in 1309(a), 1309(b), or 1309(c) have been reached. If such limits are caused to be reached by the emissions from such subsequent parts, the provisions of 1309(a), 1309(b), and 1309(c) shall apply.

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PROPOSED AMENDMENT TO REGULATION 2EMISSION OFF-SETS

1311.3 EMISSION OFF-SET - NOT CAUSE FOR DENIAL

THE APCO SHALL NOT DENY AN APPLICATION FOR AN AUTHORITY TO CONSTRUCT, ERECT, ALTER OR REPLACE ANY FACILITY, BUILDING, ARTICLE, MACHINE, EQUIPMENT OR OTHER CONTRIVANCE, EVEN THOUGH OPERATION PURSUANT TO SUCH AN AUTHORITY TO CONSTRUCT MAY CAUSE THE EMISSION OF ONE OR MORE AIR CONTAMINANTS IN A QUANTITY SUCH THAT A DENIAL WOULD BE REQUIRED BY SECTION 1309 (b) OR 1309 (c), PROVIDED THAT THE PERSON RESPONSIBLE FOR THE PROPOSED NEW OR MODIFIED SOURCE OR FACILITY CAUSES TO BE EFFECTED A REDUCTION IN THE EMISSION OF EACH OF SAID ONE OR MORE AIR CONTAMINANTS FROM OTHER SELECTED SOURCES OR FACILITIES WITHIN THE DISTRICT BY AN AMOUNT AT LEAST 20% GREATER THAN THE QUANTITY OF EACH OF SAID CONTAMINANTS WHICH WILL BE EMITTED BY THE PROPOSED NEW OR MODIFIED SOURCE OR FACILITY. THE REQUIRED REDUCTIONS SHALL BE CALCULATED FROM THE BASE LINE EMISSIONS OF THE SELECTED SOURCES OR FACILITIES. THE SELECTED SOURCES OR FACILITIES WHICH ARE TO EFFECT SUCH REDUCTIONS OF AIR CONTAMINANTS MAY BE CONTROLLED BY THE APPLICANT OR ANY OTHER PERSON. IN ORDER TO BE GRANTED AN AUTHORITY TO CONSTRUCT UNDER THIS SECTION, THE FOLLOWING PROVISIONS SHALL BE COMPLIED WITH BY THE PERSON SEEKING TO COME UNDER THE PROVISIONS OF THIS SECTION:

1. THE APCO SHALL BE PROVIDED SOURCE TEST DATA, CERTIFIED BY A REGISTERED PROFESSIONAL ENGINEER, ON THE BASE LINE EMISSIONS OF

PARTICULATE MATTER, SULFUR DIOXIDE, NITROGEN OXIDES, NON-METHANE HYDROCARBON, AND CARBON MONOXIDE FROM THE SOURCES OR FACILITIES WHICH HAVE BEEN SELECTED FOR REDUCTION. EMISSIONS FROM THE SELECTED SOURCES OR FACILITIES MUST BE IN COMPLIANCE WITH DISTRICT EMISSION LIMITATIONS FOR THIS SECTION TO BE APPLICABLE.

2. THE APCO SHALL BE PROVIDED PLANS, ENGINEERING DRAWINGS, AND SPECIFICATIONS OF THE MANNER IN WHICH THE REDUCTIONS FROM THE AFFECTED SOURCES OR FACILITIES ARE TO BE ACCOMPLISHED, AND THE QUANTITY OF EACH CONTAMINANT WHICH WILL BE REDUCED BY SUCH PLANS AND SPECIFICATIONS.

3. AT LEAST THREE MONTHS PRIOR TO THE STARTUP OF THE PROPOSED NEW OR MODIFIED SOURCE OR FACILITY WHEN THIS IS FEASIBLE, THE PERSON SEEKING TO COME UNDER THIS SECTION 1311.3 SHALL INSTALL OR CAUSE TO BE INSTALLED THE EQUIPMENT SPECIFIED IN (2) ABOVE, AND PROVIDE TO THE APCO SOURCE TEST DATA, CERTIFIED BY A REGISTERED PROFESSIONAL ENGINEER ON THE EMISSION OF PARTICULATE, SULFUR OXIDES, NITROGEN OXIDES, NON-METHANE HYDROCARBON AND CARBON MONOXIDE FROM THE SOURCES OR FACILITIES WHICH HAVE BEEN SELECTED FOR REDUCTION, INDICATING THAT EMISSIONS HAVE BEEN REDUCED BY AT LEAST 20% GREATER THAN THE QUANTITY OF EACH ONE OR MORE OF SAID CONTAMINANTS WHICH WILL BE EMITTED BY THE PROPOSED NEW OR MODIFIED SOURCE OR FACILITY.

4. ANY AUTHORITY TO CONSTRUCT ISSUED UNDER THIS SECTION SHALL SPECIFY THAT ANY SUBSEQUENT PERMIT TO OPERATE SHALL BE CONDITIONED UPON THE NEW OR MODIFIED SOURCE OR FACILITY NOT EXCEEDING, AT ANY TIME, THE QUANTITY OR CONCENTRATION OF AIR CONTAMINANT EMISSIONS SPECIFIED THEREIN. SIMILARLY IT SHALL SPECIFY THAT THE EMISSIONS FROM THE

SOURCE OR SOURCES SELECTED FOR REDUCTION OF EMISSIONS NOT EXCEED, AT ANY TIME, THE QUANTITY OR CONCENTRATION OF AIR CONTAMINANT EMISSIONS SPECIFIED THEREIN.

5. WHERE THE REDUCTIONS TO BE ACHIEVED TO COMPLY WITH THE REQUIREMENTS OF SECTION 1311.3 ARE BASED ON DIFFERING HOURS OF OPERATION OF THE SOURCE SELECTED FOR EMISSION REDUCTION AND THE SOURCE OR FACILITY SEEKING TO COME UNDER THE PROVISIONS OF SECTION 1311.3, THE ALLOWABLE HOURS OF OPERATION OF THE SOURCE OR SOURCES SELECTED FOR REDUCTION OF EMISSIONS SHALL BE SET FORTH IN THE PERMIT TO OPERATE FOR THE NEW OR MODIFIED SOURCE OR FACILITY SO THAT AT LEAST A 20% OVERALL REDUCTION IN THE QUANTITY EMITTED OF EACH SAID CONTAMINANT IS ACHIEVED.

6. ANY VIOLATION OF ANY PERMIT CONDITION REQUIRED UNDER THIS SECTION SHALL BE THE RESPONSIBILITY OF THE PERSON SEEKING TO COME UNDER THE PROVISIONS OF THIS SECTION.

7. IF REDUCTION OF CONTAMINANTS FROM SOURCES OR FACILITIES WHICH HAVE BEEN SELECTED FOR COMPLIANCE WITH THIS SECTION ARE TO BE ACHIEVED BY REDUCED OPERATIONS OR SHUTDOWN OF THESE SOURCES OR FACILITIES, THE APCO SHALL BE PROVIDED A CERTIFIED COPY OF A CONTRACT OR AGREEMENT BETWEEN THE PERSON SEEKING AN AUTHORITY TO CONSTRUCT UNDER THE PROVISIONS OF THIS SECTION AND THE PERSON RESPONSIBLE FOR EMISSIONS FROM THE SELECTED SOURCES OR FACILITIES FROM WHICH EMISSIONS ARE TO BE REDUCED, WHICH CONTAINS INFORMATION SUBSTANTIATING THE REDUCTIONS TO BE ACHIEVED BY REDUCED OPERATIONS OR SHUTDOWN.

8. THE DATE WHEN THE SOURCES SELECTED FOR EMISSION REDUCTIONS ARE TO REDUCE OPERATIONS OR SHUT DOWN, SHALL BE AT LEAST THREE MONTHS PRIOR TO THE STARTUP OF THE NEW OR MODIFIED SOURCE OR FACILITY FOR

WHICH A PERMIT TO CONSTRUCT HAS BEEN ISSUED UNDER 1311.3 WHEN THIS IS FEASIBLE. THE PERSON SEEKING TO COME UNDER THE PROVISIONS OF THIS SECTION SHALL, UPON THE REQUEST OF THE APCO, SUBMIT DOCUMENTATION TO ESTABLISH THAT SUCH REDUCED OPERATIONS OR SHUTDOWN WILL, WHEN COMPARED WITH THE HOURS OF OPERATION AND LEVEL OF OPERATION OVER THE PRECEDING YEAR, RESULT IN AT LEAST A 20% OVERALL REDUCTION IN THE QUANTITY EMITTED OF EACH OF SAID AIR CONTAMINANTS.

9. WITH RESPECT TO THE REDUCTION OF NON-METHANE HYDROCARBON AND NITROGEN OXIDES TO COMPLY WITH THIS SECTION, THE SOURCES SELECTED FOR REDUCTION MAY BE LOCATED ANYWHERE WITHIN THE DISTRICT. WITH RESPECT TO THE REDUCTION OF PARTICULATE MATTER, SULFUR DIOXIDE, AND CARBON MONOXIDE, THE SOURCES SELECTED FOR REDUCTION MUST BE LOCATED WITHIN 5 MILES OF THE NEW OR MODIFIED SOURCE OR FACILITY.

10. EMISSION OFF-SETS AUTHORIZED BY THE PROVISIONS OF THIS SECTION 1311.3 SHALL NOT BE APPLICABLE IN THE FOLLOWING INSTANCES:

a) WHERE EMISSIONS FROM THE PROPOSED NEW OR MODIFIED SOURCE OR FACILITY ARE OF SUCH MAGNITUDE, AS TO CAUSE AIR QUALITY STANDARDS FOR ONE OR MORE CONTAMINANT, (EXCEPT NON-METHANE HYDROCARBON), FOR WHICH THERE IS A FEDERAL OR STATE AIR QUALITY STANDARD, TO BE EXCEEDED, WITHOUT CONSIDERATION OF EXISTING CONCENTRATIONS IN THE AREA OF THE PROPOSED NEW SOURCE.

b) WHERE THE PROPOSED EMISSION REDUCTIONS WOULD HAVE BEEN ACHIEVED AS A RESULT OF CHANGES IN DISTRICT REGULATIONS WITH A FUTURE EFFECTIVE

1311.31 BASE LINE EMISSIONS FOR PURPOSES OF SECTION 1311.3 MEANS THE ACTUAL EMISSION OF PARTICULATE MATTER, CARBON MONOXIDE, ORGANIC COMPOUNDS, SULFUR OXIDES OR NITROGEN OXIDES, AS DETERMINED BY SOURCE TEST PROCEDURES OR OTHER ACCEPTABLE METHODS APPROVED BY THE APCO, OF THE SOURCE OR FACILITY SELECTED FOR EMISSION OFF-SET. FOR EACH CONTAMINANT, EMISSIONS SHALL BE CALCULATED AS AVERAGE DAILY EMISSIONS.

FOR SOURCES OR FACILITIES OPERATING 24 HOURS PER DAY, AVERAGE DAILY EMISSIONS SHALL BE CALCULATED FROM SOURCE TEST DATA COLLECTED OVER SEVERAL 60 MINUTE PERIODS OR OTHER ACCEPTABLE METHODS APPROVED BY THE APCO, AND EXTRAPOLATED TO 24 HOURS.

FOR SOURCES OR FACILITIES OPERATING LESS THAN 24 HOURS PER DAY, AVERAGE DAILY EMISSIONS SHALL BE CALCULATED FROM SOURCE TEST DATA COLLECTED OVER SEVERAL 60 MINUTE PERIODS OR OTHER ACCEPTABLE METHODS APPROVED BY THE APCO, AND EXTRAPOLATED TO THE ACTUAL NUMBER OF HOURS OPERATED.

ALL REDUCTIONS REQUIRED UNDER THIS SECTION SHALL BE CALCULATED FROM THE BASE LINE EMISSIONS AS DETERMINED ABOVE.

1311.32 BEST AVAILABLE CONTROL TECHNOLOGY FOR PURPOSES OF SECTION 1309(a) MEANS CONTROL TECHNOLOGY WHICH IS CURRENTLY IN USE ON EXISTING SOURCES OR FACILITIES, AND WHICH ACHIEVES THE LOWEST EMISSION RATE OF CONTAMINANTS FOR WHICH STATE OR FEDERAL AIR QUALITY STANDARDS HAVE BEEN PROMULGATED. THE APCO SHALL DESIGNATE THE BEST AVAILABLE CONTROL TECHNOLOGY WHICH SHALL BE REQUIRED FOR EACH APPLICANT SUBJECT TO THE REQUIREMENTS OF SECTION 1309(a).

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1311.33 NON-ATTAINMENT AREA FOR PURPOSES OF SECTION 1309(b) MEANS THAT AREA WITHIN THE DISTRICT WHERE AIR MONITORING DATA INDICATES THAT WITHIN THE PAST 12 MONTHS PRIOR TO THE DATE OF ANY APPLICATION TO COME UNDER THE PROVISIONS OF SECTION 1311.3, AIR QUALITY STANDARDS ADOPTED BY THE EPA OR THE ARB HAVE BEEN EXCEEDED MORE THAN ONCE.

1311.34 ATTAINMENT AREA FOR PURPOSES OF SECTION 1309(c) MEANS THAT AREA WITHIN THE DISTRICT WHERE AIR MONITORING DATA INDICATES THAT WITHIN THE PAST 12 MONTHS PRIOR TO THE DATE OF ANY APPLICATION TO COME UNDER THE PROVISIONS OF SECTION 1311.3, AIR QUALITY STANDARDS ADOPTED BY THE EPA OR THE ARB HAVE NOT BEEN EXCEEDED.